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November 11, 2016

VIA EMAIL and ECF

Honorable Katherine B. Forrest
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Comonfort v Les Brasseurs, Inc., et al, 16-cv-6389(KBF)

Dear Judge Forrest:

We represent Defendants Les Brassuers, Inc. and Gerardo Donato (“Defendants”) and were only recently retained by Defendants in the above-referenced matter. We also expect to represent Eric Cerato but have not yet been formally retained. Despite the aforementioned case being filed and a summons issued on August 11, 2016 and August 12, 2016, respectively, service was only effectuated (arguably improperly) on October 19, 2016 and Defendants have yet to even receive a copy of the Summons and Complaint as Mr. Donato has been out of the Country. I spoke with Plaintiff’s counsel, Marisol Santos, and I have agreed to accept service if the parties obtain an extension of the upcoming initial pretrial conference which is currently scheduled for November 14, 2016. *See* Dkt. No. 13.

Given our recent introduction to the case and Plaintiff’s consent to the aforementioned extension, the parties are in agreement that the current initial pretrial conference should be adjourned until after Defendants submit responsive pleadings. This is the second request for such an adjournment as Plaintiff’s counsel previously requested an adjournment of the initial pretrial conference on October 14, 2016 prior to the date that any of the Defendants were served. *See* Dkt. No. 12.

Furthermore, in light of our recent retention, we respectfully request a thirty-day extension of time to submit an answer or other responsive pleading. The new deadline for answering or otherwise responding to Plaintiff’s Complaint would therefore be December 12, 2016. Prior to making the instant request, I spoke with Plaintiffs’ counsel, who consented to the requested extension of time to answer or otherwise respond to the Complaint.

As such, we respectfully request that the extension be granted, and your Honor adjourn the initial pretrial conference for a date after December 12, 2016 which is convenient for the Court.

Respectfully,

/s/
Brett R. Gallaway

CC via ECF and email: Plaintiff's Counsel